

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT J. MILLER

vs.

**COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION**

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CASE NO. 6:16CV1229

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (ECF 15) filed on March 23, 2017, recommends that the Commissioner's Motion to Dismiss (ECF 12) be granted and that this social security action be dismissed without prejudice to re-filing if Plaintiff receives a favorable decision from the Appeals Council on his request for an extension of time. No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is hereby

ORDERED that the Motion to Dismiss (ECF 12) is **GRANTED**. The above-entitled action is **DISMISSED WITHOUT PREJUDICE** to re-filing if Plaintiff receives a favorable decision from the Appeals Council on his request for an extension of time.

Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 12th day of April, 2017.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge